

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

TONY & STAN, LLC,

Plaintiff,

v.

FIDELITY NATIONAL INSURANCE CO.,

Defendant.

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CAUSE NO. 1:14-CV-296

OPINION AND ORDER

Defendant Fidelity National Insurance Co., removed this case here on September 24, 2014, from Allen Superior Court, alleging that the Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. (Docket # 1.) In the Notice of Removal, Fidelity, a Florida corporation with its principal place of business in Florida, alleges: “Upon information and belief, Saied Rafiei is the sole living member of Tony & Stan, LLC and is a citizen of the State of Indiana.” (Notice of Removal ¶ 4.) Fidelity’s jurisdictional allegations, however, inadequately set forth the citizenship of Plaintiff.

As the party seeking to invoke federal diversity jurisdiction, Fidelity bears the burden of demonstrating that the requirement of complete diversity has been met. *Chase v. Shop ‘N Save Warehouse Foods, Inc.*, 110 F.3d 424, 427 (7th Cir. 1997). A limited liability company’s citizenship “for purposes of . . . diversity jurisdiction is the citizenship of its members,” *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998), not just its “living” members as Fidelity suggests. Thus, the Court must be advised of each member of Plaintiff Tony & Stan, LLC, and such member’s citizenship. *Hicklin Eng’g, L.C. v. Bartell*, 439 F.3d 346, 347 (7th Cir. 2006); *see generally Guar. Nat’l Title Co. v. J.E.G. Assocs.*, 101 F.3d 57, 59 (7th Cir. 1996)

(explaining that the court would “need to know the name and citizenship(s)” of each partner for diversity jurisdiction purposes).

And there is a second problem. “Allegations of federal subject matter jurisdiction may not be made on the basis of information and belief, only personal knowledge.” *Yount v. Shashek*, No. Civ. 06-753-GPM, 2006 WL 4017975, at *10 n.1 (S.D. Ill. Dec. 7, 2006) (citing *Am.’s Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072, 1074 (7th Cir. 1992)); *Ferolie Corp. v. Advantage Sales & Mktg., LLC*, No. 04 C 5425, 2004 WL 2433114, at *1 (N.D. Ill. Oct. 28, 2004); *Hayes v. Bass Pro Outdoor World, LLC*, No. 02 C 9106, 2003 WL 187411, at *2 (N.D. Ill. Jan. 21, 2003).

Therefore, Defendant is ORDERED to supplement the record on or before October 8, 2014, by filing an Amended Notice of Removal properly alleging the citizenship of each member of Plaintiff.

SO ORDERED.

Enter for this 25th day of September, 2014.

s/ Roger B. Cosbey
Roger B. Cosbey,
United States Magistrate Judge